

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PABLO CHAVEZ,

Plaintiff,

v.

RAMIREZ, et al.,

Defendants.

Case No. 1:20-cv-01269-ADA-HBK (PC)

ORDER DIRECTING CLERK OF COURT TO  
STRIKE PLAINTIFF'S UNSIGNED NOTICE  
OF VOLUNTARY DISMISSAL

(Doc. No. 17)

Plaintiff is appearing pro se and *in forma pauperis* in this civil rights action. On June 16, 2023, Plaintiff filed an unsigned and undated notice of voluntary dismissal. (Doc. No. 17, "Notice"). Rule 11 requires all pleadings, written motions, and other papers be signed by at least one attorney of record or by a party personally if the party is unrepresented. Fed. R. Civ. P. 11(a); *see also* E.D. Ca. Local Rule 131(b). "The Court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention." *Id.* Here, considering Plaintiff does not have access to CM/ECF, the Court directs the Clerk to strike the unsigned Notice. **To the extent Plaintiff wishes the Court to voluntarily dismiss this action, he must promptly refile a signed and dated notice of voluntary dismissal in accordance with Rules 11 and 41 of the Federal Rules of Civil Procedure before the district court judge considers the pending Findings and Recommendation (Doc. No. 13).**

Finally, within his notice, Plaintiff requests legal advice regarding this case and his other

1 cases. (*See* Doc. No. 17). The Court cannot give legal advice as it “would undermine district  
2 judges’ role as impartial decision makers.” *Pliler v. Ford*, 542 U.S. 225, 231 (2004); *see also*  
3 *Lopez v. Smith*, 203 F.3d 1222, 1131 n.13 (9th Cir. 2000). “For a judge to give advice to a pro set  
4 litigant on the legal process ‘would entail the district court’s becoming a player in the adversary  
5 process rather than remaining its referee.’” *Russo v. Sherman*, 2019 WL 6998773, at \*4 (C.D.  
6 Cal. Oct. 25, 2019) (quoting *Jacobsen v. Filler*, 709 F.2d 1362, 1365-66 (9th Cir. 1986)).

7 Accordingly, it is **ORDERED**:

8 The Clerk is directed to STRIKE Plaintiff’s notice of voluntary dismissal. (Doc. No. 17).

9  
10 Dated: June 26, 2023

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE